

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen,	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	DECLARATION OF LYLE S. HOSODA;
v.	)	EXHIBITS "A"-"G"
	)	
HAWAIIAN EXPRESS SERVICE,	)	
INC., et al.	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF LYLE S. HOSODA**

I, LYLE S. HOSODA, under penalty of perjury, state as follows:

1. I am an attorney licensed to practice before all of the State and Federal Courts in the State of Hawaii and am one of the attorneys representing Defendants Brian Christensen, Mark Dillon, Teresa Noa, Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfredda Waiolama, and Jacqueline Rio (collectively "Employees") in this case.

2. Attached hereto as Exhibit A is a true and correct copy of the affidavit of Sonia Purdy, dated February 23, 2005, and filed herein on February 23, 2005 in support of Defendants Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfredda Waiolama, and Jacqueline Rio's Concise Statement of Facts in Support of Motion for Summary Judgment.

3. Attached hereto as Exhibit B is a true and correct copy of the affidavit of Justin Fukumoto, dated February 23, 2005, and filed herein on February 23, 2005 in support of Defendants Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfreda Waiolama, and Jacqueline Rio's Concise Statement of Facts in Support of Motion for Summary Judgment.

4. Attached hereto as Exhibit C is a true and correct copy of select pages of the Order Granting Defendant Foodland's Motion for Summary Judgment; Granting Defendant Hawaii Transfer Company's Motion for Summary Judgment; and Granting in Part, Denying in Part Defendants Dillon, Noa, and Christensen's Motion for Summary Judgment, entered herein on January 26, 2005.

5. Attached hereto as Exhibit D is a true and correct copy of the Affidavit of Mark Dillon, filed herein on September 13, 2004.

6. Attached hereto as Exhibit E is a true and correct copy of the Affidavit of Teresa Noa, dated August 10, 2004 and filed herein on August 12, 2004, in support of Defendants Mark Dillon, Brian Christensen, and Teresa Noa's Joinder to Fleming Companies, Inc.'s Opposition to Plaintiff Wayne Berry's Motion for Issuance of Preliminary Injunction.

7. Attached hereto as Exhibit F is a true and correct copy of select pages of the Order Granting in Part, Denying in Part Berry's Motion for Summary Judgment; Order Granting C&S

Logistics of Hawaii, LLC, C&S Wholesale Grocers, Inc., C&S Acquisition, LLC, ES3, LLC and Richard Cohen's Motion for Summary Judgment; Order Granting Guidance Software, Inc. and Michael Gurzi's Motion for Summary Judgment; Order Granting in Part, Denying in Part Remaining Defendants' Motion for Summary Judgment, entered herein on June 27, 2005.

8. Attached hereto as Exhibit G is a true and correct copy of Order Denying Motion for Reconsideration, entered herein on August 10, 2005.

I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information and belief.

Dated: Honolulu, Hawaii, January 12, 2006.

/s/ Lyle S. Hosoda  
LYLE S. HOSODA